REMARKS

Applicants respectfully request the above-identified application be re-examined. Applicants' undersigned attorney thanks Examiner Anya for the courtesy shown during brief telephone conversations on December 23 and 30 regarding this application.

The November 12, 2003, final Office Action ("Office Action") rejected Claims 1, 3, 5-7, 9, 10, 13, 14, 16-20, 22-28, 30, 32, and 33 under 35 U.S.C. § 102(e) as being fully anticipated by the teachings of U.S. Patent No. 6,334,815 (Miyamoto et al.). Claims 2, 8, 11, and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Miyamoto et al. taken in view of the teachings of U.S. Patent No. 6,042,478 (Ng). Claims 4, 12, 15, 21 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Miyamoto et al. This amendment cancels Claims 7, 21, and 28-33. The subject matter of Claim 7 has been added to Claim 6. Thus, Claim 6 is now Claim 7 in independent form. The subject matter of Claim 21 has been added to Claim 19. Thus, Claim 19 is now Claim 21 in independent form. For the reasons hereinafter set forth, applicants respectfully disagree with the rejections set forth in the Office Action and submit that all of the rejected claims remaining in this application are allowable.

Prior to setting forth the reasons why applicants disagree with the rejections set forth in the Office Action, a brief description of the present invention followed by a brief description of the cited and applied references is set forth. The following discussions of applicants' invention and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided to help the United States Patent and Trademark Office better appreciate important claim distinctions discussed thereafter.

The Invention

The present invention is directed to a system, method, and data storage medium for sharing information (data) between separately executable programs. One application of the invention is sharing data between video games.

In one form the data sharing system includes a control unit having **a processor** and a memory coupled to the processor. The memory included in the control unit stores information pertaining to a first program **that was previously executed by the processor**. The data sharing system also includes a data storage medium that stores a second program executable by **the processor**. When executed by **the processor**, the second program retrieves information pertaining to the first program from the memory and utilizes the information pertaining to the first program with the execution of the second program. Thus, the same processor executes both the first program and the second program.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

In an alternative form the system includes a control unit having a processor and a memory coupled to the processor. The system also includes a first data storage medium coupleable to the processor. The first data storage medium stores **a first program** that is implementable by the processor. When implemented by the processor, **the first program identifies information pertaining to the first program for sharing with a second program and requests storage of the information pertaining to the first program in the memory** coupled to the processor for retrieval by the second program.

In one form the method covers sharing information between **three software programs** implementable by a processor. The method includes connecting a first storage medium having a first program stored therein to a processor and transferring data pertaining to a **first program** to a memory coupled to the processor. The method further includes connecting a second data storage medium having a **second program** stored therein to the processor, and retrieving the data pertaining to the first program from the memory coupled to the processor and using the data in connection with the second program. The method also includes transferring data pertaining to the second program to the memory coupled to the processor and connecting a third data storage medium to the processor, the third data storage medium having a **third program** stored therein. The method further includes retrieving the data pertaining to the second program from the memory coupled to the processor and utilizing the data in connection with the third program.

U.S. Patent No. 6,334,815 (Miyamoto et al.)

Miyamoto et al. purportedly discloses a game system playable by utilizing backup data on different types of game machines. The exemplary embodiments disclosed in Miyamoto et al. include a first (portable) game machine, such as an LCD portable game machine, and a second (non-portable) game machine, such as a video game machine. The backup data obtained as a result of playing the first game machine is utilized with the second game machine.

Figure 1 of Miyamoto et al. illustrates the exemplary embodiment of Miryamoto et al. referenced in the Office Action. The Figure 1 embodiment includes a first game machine 10 and a second game machine 20. The first game machine has a game cartridge 15 for storing backup data in a RAM 15b generated when the game stored in ROM 15a is played. A first processor (CPU 11) controls the operation of the first game machine. The backup data is utilized when playing a game using the second game machine 20.

The second game machine 20 is controlled by a game program stored in a memory cartridge 25 or on a disk 35. In addition to the memory cartridge 25 or disk 35, the memory cartridge 15 containing the backup data (RAM 15b) resulting from playing the first game machine is attached to the second game machine via an adapter 50. Thus, the second game

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

machine is connected to the cartridge 15. Thereafter, the controller 24 is operated to start the second game machine. When the processor of the second game machine (CPU 21) begins to execute the same program stored in ROM 25a of memory cartridge 25, CPU 21 first reads out the game title and version stored on the ROM 15a and writes the data into a first player area 261 of RAM 26. CPU 21 also reads out the backup data (e.g., cartridge identification code, name, one or a plurality of character codes, capability data by a captured character, etc.) stored in the RAM 15b and writes this data into the area 261. Thus, the backup data is available when playing the game stored in ROM 25a or disk 35 (Col. 10, lines 7-32).

U.S. Patent No. 6,042,478 (Ng)

Ng is purportedly directed to a hand-held video game system having a microprocessor controller with address and data buses for providing memory access during memory cycles to a plurality of cartridge slots for electrically connecting cartridges containing memory to the address and data buses. An output terminal of the microprocessor controller provides a cartridge-select signal that identifies a first memory-containing cartridge to be accessed during an initial memory cycle with a microprocessor controller controlling the output terminal to change the memory-select signal for transparently accessing a second memory-containing cartridge for a second memory cycle. The cartridge slot may also provide a port for transferring and receiving information over a bi-directional communication link in which a communication cartridge allows communication over the Internet for the interactive playing of a video game.

Applicants note that the Office Action cited Ng not as a primary reference but for its alleged disclosure of verifying the validity of retrieved information before utilizing it. Applicants submit that Ng does not teach this subject matter. Contrary to the remarks on page 7 of the Office Action, column 6, line 66, through Column 7, line 63, of Ng does not teach the verification of the validity of retrieved information before utilizing it. All Ng teaches is verification of the authenticity of a cartridge. Ng does not teach verification of the validity of retrieved information before utilizing the retrieved information.

Rejection of Claims 1, 3, 5-7, 9, 10, 13, 14, and 16-18

As noted above, the Office Action rejected Claims 1, 3, 5-7, 9, 10, 13, 14, and 16-18 under 35 U.S.C. § 102(e) as being fully anticipated by the teachings of Miyamoto et al. Applicants respectfully disagree. This group of claims includes two independent claims--Claims 1 and 6. Independent Claim 1 reads as follows:

1. A system for sharing data between software programs comprising:

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1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

(a) a control unit having **a processor** and a memory coupled to the processor, the memory storing information pertaining to a first program that was previously executed by the processor; and

(b) a data storage medium coupleable to the control unit, the data storage medium storing a second program implementable by **the processor** for:

(i) retrieving information pertaining to the first program from the memory; and

(ii) utilizing the information pertaining to the first program with the execution of the second program. [Emphasis added.]

The Office Action appears to conclude that the recitations of Claim 1 are fully anticipated by the system illustrated in Figure 1 of Miyamoto et al. Applicants respectfully disagree.

It appears that the Office Action has concluded that CPU 21 of game machine 20 of Miyamoto et al. in combination with the RAM 15b (included in memory cartridge 15) forms "a control unit having a processor and a memory coupled to the processor, the memory storing information pertaining to a first program that was previously executed by the processor." Applicants disagree: While RAM 15b does appear to include information pertaining to a first program, the first program was processed by the processor (CPU 11) of the first game machine 10, not the processor (CPU 21) of the second game machine 20.

Miyamoto et al. also does not disclose the second portion of Claim 1, namely, a data storage medium coupleable to the control unit, the data storage medium storing a second program implementable by **the processor** for retrieving information pertaining to the first program for the memory and utilizing the information pertaining to the first program with the execution of the second program. As noted above, Miyamoto et al. discloses two different data storage units, namely, memory cartridge 15 and memory cartridge 25. While both memory cartridges store programs, neither provides a program that retrieves information pertaining to the first program from memory and utilizes the information pertaining to the first program with the execution of the second program. While Miyamoto et al. states that the backup data stored in RAM 15b is moved to RAM 26, Miyamoto et al. does not teach that the program stored in ROM 25a retrieves information pertaining to the first program from the memory that is coupled to the processor (CPU 11).

As pointed out to the Examiner during the telephone conversation on December 30, Claim 1 is simply not readable on Miyamoto et al. regardless of how the teachings of Miyamoto et al. are interpreted.

In summary, Claim 1 recites a system that includes a control unit having a processor and a memory coupled to the processor for storing information pertaining to a first program that was previously executed by the processor and a data storage medium that stores a second program

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

executable by the processor. When executed by the same processor, the second program retrieves information pertaining to the first program from memory and utilizes the information pertaining to the first program during the execution of the second program. Such a system is simply not taught or even remotely suggested by Miyamoto et al.

In view of the foregoing, applicants respectfully submit that Claim 1 is clearly not fully anticipated by the teachings of Miyamoto et al. and is therefor allowable. Applicants further submit that the claims dependent from Claim 1 (2-5) are allowable for at least the same reasons that Claim 1 is allowable. Of the claims dependent from Claim 1, Claims 3 and 5 are included in the group of claims rejected under 35 U.S.C. § 102(e) as being fully anticipated by Miyamoto et al. Regarding Claim 3, the Office Action states:

> As to claim 3, Miyamoto teaches identifying information pertaining to the second program for sharing with the first program (". . . execution in association. . ." Col. 6 Ln. 29-36) and requesting storage of the information pertaining to the second program in the memory for retrieval by the first program (Although this step is not explicitly spelt out in using the second-machine game program to play a game by the backup data, the first program could be said to retrieve the second program (second-machine game program) Col. 6 Ln. 61-67.

Initially, applicants point out that the foregoing remarks inherently make it clear that Claim 3 is not rejectable under 35 U.S.C. § 102(e). The remarks include language that clearly states that all of the subject matter of Claim 3 is not "anticipated" by Miyamoto et al. Applicants agree. Moreover, and more importantly, applicants submit that the subject matter of Claim 3 is not taught or suggested by Miyamoto et al. In this regard, Claim 3 reads as follows:

> 3. The system of Claim 1, wherein the second program implementable by **the processor**:
>
> (i) identifies information pertaining to the second program for sharing with the first program; and
>
> (ii) requests storage of the information pertaining to the second program in the memory for retrieval by the first program. [Emphasis added.]

Applicants submit that the Miyamoto et al. language "the second-machine game program is executed in association with the first-machine game" (Col. 6, lines 34-36) does not anticipate, much less render obvious, a second program, implementable by the same processor that executed a first program that created information stored in a memory coupled to the processor, that "identifies. . ." and "requests. . . ." Consequently, applicants respectfully submit that Claim 3 and

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

Claim 5, which depends from Claim 3, are allowable for reason in additions to the reasons why Claim 1 is allowable.

Claim 6, the only other independent claim in this group of claims, reads as follows:

> 6. A system for sharing data between software programs comprising:
> (a) a control unit having a processor and a memory coupled to the processor; and
> (b) a first data storage medium coupleable to the processor, the first data storage medium storing a first program implementable by the processor for:
> (i) identifying information pertaining to the first program for sharing with a second program; and
> (ii) requesting storage of the information pertaining to the first program in the memory for retrieval by the second program; and
> (c) a second data storage medium coupleable to the control unit, the second data storage medium storing the second program implementable by the processor for:
> (i) retrieving the information pertaining to the first program from the memory; and
> (ii) utilizing the information pertaining to the first program with the second program.

As noted above, Claim 6 is now Claim 7 in independent form. The Office Action referenced the rejection of Claim 1 as a basis for the rejection of Claim 7. Applicants respectfully disagree for, essentially, the reasons set forth above with respect to Claim 1. More specifically, Miyamoto et al. discloses two control units each having processors and memory coupled to the processor, namely, first game machine 10 and second game machine 20. The first game machine 10 includes a processor (CPU 11) coupled to various storage mediums including game cartridge 15. The second game machine 20 includes a processor (CPU 21) coupled to various data storage medium including game cartridges 15 and 25. However, the same processor is not coupled to first and second data storage mediums for performing the functions recited in Claim 6. The only processor coupled to first and second data storage mediums is the processor included in the second game machine 20, namely, CPU 21. Regardless of which of game cartridges 15 and 25 are considered the first or second data storage mediums, Claim 6 is not readable on Miyamoto et al. The program stored in the ROM 15a is not implementable by the processor (CPU 21) of the second game machine 20. Thus, Miyamoto et al. does not provide a first data storage medium coupled to the processor (CPU 21) that stores a first program implementable by the processor (CPU 21) for identifying information pertaining to the first program for sharing with a second program and requesting storage of the information pertaining

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1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

to the first program in a memory for retrieval by the second program. While the backup data is transferred from RAM 15b to RAM 26, this is not accomplished by a program stored in cartridge 15. As a result, applicants respectfully submit that Claim 6, as well as all of the claims dependent therefrom included in this group of claims (9, 10, 13, 14, and 16-18), are clearly allowable.

Rejection of Claims 2, 8, and 11

As noted above, Claims 2, 8, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Miyamoto et al. taken in view of teachings of Ng. Remarks accompanying this rejection read as follows:

> As to claim 2 Miyamoto as applied in claim 1, does not teach verification of the validity of the retrieved information before utilizing it. Ng teaches the verification of the validity of the retrieved information before utilizing it (Block 505, Col. 6, Ln. 62 - 76, Col. 7, Ln. 1 - 12). It would have been obvious to apply the teaching of Ng to the system of Miyamoto. One would have been motivated to make such modification to provide cartridge authentication (Col. 6, Ln. 62 - 66).

Applicants respectfully disagree. There is simply no teaching in Miyamoto et al. or Ng how their individual teachings could be combined in any manner much less the manner recited in Claim 2, which depends from Claim 1. The Office Action has simply not established a *prima facie* case of obviousness as required by M.P.E.P. § 2142 *et seq.* Further, as noted above, contrary to the statements made on page 7 of the Office Action, Ng does not teach verification of validity of retrieved information before using the information. At best, Ng teaches verification of the authenticity of a cartridge, which is different. As a result, applicants respectfully submit that Claim 2, which depends from Claim 1, is clearly allowable for this reason as well.

The Office Action applied the same reasoning to the rejection of Claims 8 and 11 as applied to Claim 1. Applicants respectfully submit, for the reasons discussed above with respect to Claim 2, that the rejection of Claims 8 and 11 is in error and that these claims are also allowable for the same additional reason.

Rejection of Claims 4, 12, 15, 19, 20, and 22-27

As noted above, Claims 4, 12, 15, and 21 (now Claim 19 in independent form) were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Miyamoto et al. Remarks accompanying this rejection read as follows:

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

As to claim 4, claim 3 covers claim 4 except for third program. It would have been obvious to include a third program by introducing a third machine that includes a game cartridge because it would allow more data to be backed up for use in a second-machine.

Applicants respectfully disagree. First, it is pointed out that Claim 4 does not have anything to do with a third machine that indicates a game cartridge. Rather, Claim 4 reads as follows:

> 4. The system of Claim 1, wherein the first program previously executed by the processor:
>
> (i) identifies information pertaining to the second program for sharing with a third program; and
>
> (ii) requests storage of the information pertaining to the second program in the memory for retrieval by the third program.

Claim 4 is clearly directed to an embodiment of the invention wherein a first program previously executed by a processor (i) identifies information pertaining to the second program for sharing with a third program and (ii) requests storage of the information pertaining to the second program in the memory for retrieval by the third program. Claim 4 recites nothing with respect to a third machine that includes a game cartridge. Moreover, the Office Action has not established a *prima facie* case of obviousness as required by M.P.E.P. § 2142 *et seq*. There is simply no teaching, suggestion, or motivation in Miyamoto et al. that supports this rejection of Claim 4 under 35 U.S.C. § 103(a) as unpatentable based on obviousness. As a result, applicants respectfully submit that Claim 4 is allowable for reasons in addition to the reasons why Claim 1 is allowable.

Claims 12, 15, and 19 were rejected on the same grounds as Claim 4. Applicants respectfully submit that, like Claim 4, these claims as well as Claims 20 and 22-27, all of which are directly or indirectly dependent on Claim 19, also recite subject matter that further patentably distinguishes the claims from the teachings of Miyamoto et al. and, thus, are allowable for the same additional reasons as Claim 4.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101

CONCLUSION

In summary, applicants submit that contrary to the Office Action, neither Miyamoto et al. alone or in combination with Ng teaches or suggests the subject matter of the claims remaining in this application. Consequently, early and favorable action allowing these claims and passing this application to issue is respectfully solicited.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS[PLLC]

Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: January 12, 2004

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS[PLLC]
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101